

I. PARTIES

1. Plaintiff, Trenton Coy, a resident of Wyoming, sustained personal injuries as a result of a motor vehicle collision that occurred at approximately 4:42 p.m. on February 6, 2019 on US 26 / US 89 Teton County, Wyoming. Pursuant to Wyoming law, Plaintiff Trenton Coy is the proper party to bring this action for his damages.

2. Defendant CTS Logistics Group. ("CTS Logistics") is a foreign corporation with a principal place of business in Calexico, California. Defendant CTS Logistics has a registered agent for service of process; Sally Adams-Reinhart, 400 East 1st Street, Ste 308, Casper, WY 82601. Once served with process, Defendant CTS Logistics is subject to the jurisdiction and venue of this Court.

3. At all times material to the motor vehicle collision which forms the basis of this action, Defendant CTS Logistics was an interstate motor carrier authorized to operate in the State of Wyoming for profit pursuant to one or more permits to operate by the Interstate Commerce Commission, or by the United States Department of Transportation, or both.

4. Defendant Alfredo Chavez, ("Defendant Chavez") resides at 1021 Sunset Street, Calexico, CA 92231. He may be served with process and Original Complaint at the above address. Once served, Defendant Chavez is subject to the jurisdiction and venue of this Court.

II. JURISDICTION AND VENUE

5. This action is brought in the United States District Court, for the District of Wyoming based upon diversity of citizenship between the parties.

6. The Defendants committed acts and omissions complained herein, within the State of Wyoming, as referenced in this Complaint.

7. The matter in controversy between the above captioned parties exceeds

seventy five thousand (\$75,000.00) dollars.

8. Pursuant to 28 U.S.C. § 1332, the above captioned action is within the Court's jurisdiction.

III. WYOMING WORKER'S COMPENSATION

9. Pursuant to the Wyoming Statutes Annotated § 27-14-105 the director of the Wyoming Worker's Compensation Fund and the Wyoming Attorney General shall be served by certified mail, return receipt requested with a copy of the complaint filed in this lawsuit.

IV. FACTS COMMON TO ALL CLAIMS

10. On February 6, 2019 at approximately 4:42 p.m., Plaintiff Trenton Coy was driving a 2006 Ford F150 Super crew in Teton County, Wyoming.

11. On the same date and time, there were several southbound vehicles, including Plaintiff Trenton Coy, that were attempting to pass Defendant Chavez.

12. On the same date and time, Defendant Chavez was driving a tractor-trailer southbound on Highway 89 when he drove onto the shoulder and his trailer drove into the deep snow which had built up there. This pulled his empty 53 foot trailer deeper into the snow bank. Defendant Chavez then steered left which caused his combination unit to go into a broadside slide. The power unit jack knifed and Plaintiff Trenton Coy attempted to avoid colliding but was unable to.

13. Because of the actions of the Defendants, Trenton Coy was physically injured in the motor vehicle accident.

14. Because of the negligence and/or recklessness of the Defendants, Trenton Coy suffered injuries to his back, neck and head.

CLAIMS

COUNT ONE NEGLIGENCE OF DEFENDANT CHAVEZ

15. Plaintiff incorporate herein by reference the allegations of the previous

paragraphs of this Complaint as if each were fully set forth herein in their entirety.

16. At all times material hereto, Defendant Chavez was a professional driver with a commercial driver's license.

17. At all times material hereto, Defendant Chavez was driving a commercial motor vehicle in interstate commerce and was subject not only Wyoming traffic laws and trucking safety regulations, but also the Federal Motor Carrier Safety Regulations.

18. Defendant Chavez was negligent in the operation of the tractor-trailer he was driving in at least the following ways:

- (a) Failure to keep proper lane;
- (b) Over corrected/over steered;
- (c) Improper lane use;
- (d) Violation of Wyoming traffic laws, including: W.S 31-5-301(a) (speeding and too fast for conditions.; 31-5-229 (Reckless Driving); and 31-5-236 (Careless Driving), and other traffic violations to be proven at trial, which violations constitute negligence *per se*;
- (e) Violation of Federal Motor Carrier Safety Regulations, including, without limitation: failing to exercise extreme caution in the operation of a vehicle as required by FMCSR 392.14 and other FMCSRs, all of which violations constitute negligence *per se*; and
- (f) Otherwise failing to act reasonably and prudently as a professional commercial driver under the circumstances.

19. As a direct and proximate result of the negligence of Defendant Chavez, Plaintiff Trenton Coy sustained serious personal injuries and substantial economic damages (including without limitation, medical expenses and lost wages) and non-economic damages (including without limitation, disability, loss of ability

to labor, loss of enjoyment of life, anxiety, pain and suffering and emotional distress).

20. Defendant Chavez is liable to for all damages allowed by law for the injuries, damages, and losses sustained by Plaintiffs in this case.

COUNT TWO NEGLIGENCE OF CTS LOGISTICS

21. Plaintiff incorporates all previous paragraphs of this Complaint as if each were fully set forth herein in their entirety.

22. At all times material hereto, Defendant Chavez, was an employee or agent of Defendant CTS Logistics, acting within the scope and course of his employment or agency.

23. Defendant CTS Logistics is liable for the negligent actions and omissions of Defendant Chavez pursuant to the doctrine of *respondeat superior* and the rules of agency.

24. As an employer, Defendant CTS Logistics was also independently negligent in hiring, training, entrusting, supervising, and retaining Defendant Chavez in connection with its operation of a commercial motor vehicle and for otherwise failing to act as a reasonable and prudent trucking company under the same or similar circumstances.

25. Defendant CTS Logistics was at all relevant times a motor carrier as defined by the Federal Motor Carrier Safety Regulations and was engaged in interstate commerce. As such, Defendant CTS Logistics was at all relevant times subject to the Federal Motor Carrier Safety Regulations.

26. As a motor carrier, Defendant CTS Logistics had certain duties and responsibilities as defined by the Federal Motor Carrier Safety Regulations and industry standards, including the duty to properly qualify Defendant Chavez, the duty to properly train Defendant Chavez, the duty to supervise the hours of service of

Defendant Chavez, the duty to properly maintain its vehicles, and the duty to otherwise establish and implement necessary management controls and systems for the safe operation of its commercial motor vehicles.

27. Defendant CTS Logistics was also independently negligent failing to meet its duties and responsibilities under the Federal Motor Carrier Safety Regulations and industry standards.

28. As a direct and proximate result of the negligence of Defendant CTS Logistics, Plaintiff Trenton Coy sustained serious personal injuries and substantial economic damages (including without limitation, medical expenses and lost wages) and non-economic damages (including without limitation, disability, loss of ability to labor, loss of enjoyment of life, anxiety, pain and suffering and emotional distress).

29. Defendant CTS Logistics is liable to for all damages allowed by law for the injuries, damages, and losses sustained by Plaintiff in this case.

COUNT THREE DAMAGES

30. Plaintiff incorporates the allegations of the preceding paragraphs of this Complaint as if each were set forth fully herein in their entirety.

31. Each of the Defendants acted in a manner which either alone, or combined and concurring with the actions of the other Defendants' acts of negligence, directly and proximately caused the collision and the resulting injuries to Plaintiff Trenton Coy.

32. Plaintiff Trenton Coy is entitled to recover all economic damages, including without limitation all medical expenses and lost wages; as well as all non-economic damages, including without limitation, damages for disability, loss of ability to labor, loss of enjoyment of life, severe emotional distress, physical and emotional pain and suffering and all other damages permitted under Wyoming law.

COUNT FOUR PUNITIVE DAMAGES

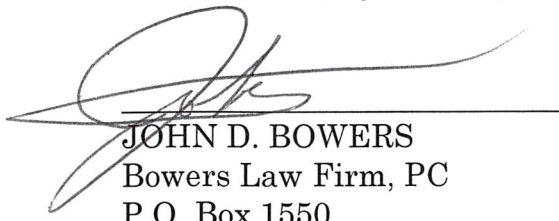
33. Plaintiff repeats, re-alleges and incorporates the allegations of the preceding paragraphs of this Complaint as if each were fully set forth herein in their entirety.

34. Each of Defendants' acts were willful, wanton, and demonstrated that entire want of care which raises the presumption of a conscious indifference to consequences.

35. Accordingly, Defendants are liable to Plaintiff Trenton Coy for punitive damages to punish, penalize, and deter Defendants from similar conduct in the future.

WHEREFORE, the Plaintiff prays for damages against the Defendants for all injuries and damages described within this Complaint, for all damages as allowed under the laws of the State of Wyoming and for such other further relief as this Court deems is equitable and proper.

RESPECTFULLY SUBMITTED this 7th day of June, 2019



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